

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

SHANEEKA WHITE,
individually and on behalf of
her minor child, **K.K.,**

Plaintiff,

Case No. 24-CV-1076

v.

**WHITEFISH BAY SCHOOL
BOARD, JOHN THOMSEN,
AMY LEVEK, and JULIE
HENNINGSEN,**

Defendants.

**PLAINTIFF’S MOTION TO RESTRICT DOCUMENTS AND MOTION FOR A
PROTECTIVE ORDER**

Plaintiffs Shaneeka White and K.K. hereby move the court for an order restricting Complaint Exhibits B, D, E, F, and G to be viewable only by the Court and Parties, for the following reasons.

Plaintiff K.K. is a minor child. (Dkt. 1, ¶ 6).

Complaint Exhibits B, D, E, F are written decisions prepared by employees of the Defendant Whitefish Bay School Board in response to administrative complaints filed with the Whitefish Bay School District on K.K.’s behalf. These complaints were filed pursuant to Whitefish Bay School Board policy and pursuant to Chapter PI 9 of the Wisconsin administrative code. Complaint Exhibit G is a letter written to K.K.’s attorney by the

Defendant School Board's Attorney regarding appeal procedures regarding the same administrative complaints. Each of these exhibits identifies K.K. by name.

Under Fed. R. Civ. P. 5.2(a)(3), an electronic filing with the court that includes the name of an individual known to be a minor may include only the minor's initials. Fed. R. Civ. P. 5.2(b) identifies certain exemptions to the redaction requirement, including where the document is "the record of an administrative proceeding." Fed. R. Civ. P. 5.2(b)(2). Fed. R. Civ. P. 5.2(e)(2) provides that, for good cause, the court may by order "limit or prohibit a nonparty's access to document filed with the court."

Complaint Exhibits B, D, E, F, and G are records of an administrative proceeding within the meaning of Fed. R. Civ. P. 5.2(b) because they are decisions and procedural orders addressing complaints filed with a school district pursuant to the District's policy and Wisconsin Administrative Code Ch. PI 9. Therefore, pursuant to Rule 5.2(b), Complaint Exhibits B, D, E, F, and G are not subject to the redaction requirement of Rule 5.2(a)(3).

However, because Complaint Exhibits B, D, E, F, and G contain the name of the minor plaintiff, it would subvert the policy of Rule 5.2(a)(3) to protect the identity of minors involved in federal litigation for these Complaint Exhibits to be made freely available to the public.

Therefore, Plaintiffs respectfully move the court for an order under Rule 5.2(e)(2) restricting Complaint Exhibits B, D, E, F, and G to be viewable only by the Court and parties. Plaintiffs further move the Court for a protective order under Rule 5.2(e)(2) directing that any future filings which include the full name of the minor Plaintiff or any other minor and which are exempt from redaction under Rule 5.2(b) be restricted to be viewable only by the court and parties.

In the alternative, if the court denies Plaintiffs Rule 5.2(e)(2) motions, Plaintiffs request the Court's leave to file new copies of the relevant exhibits with minors' names redacted. In that alternative scenario, Plaintiffs further request that the Court order the currently filed exhibits, which include minors' full names unredacted, either sealed or stricken from the record so as to protect the identity of the minors consistent with the policy of Rule 5.2(a)(3).

Respectfully submitted this 26th day of August, 2024.

/s/ Elisabeth Lambert

Attorney For Plaintiffs

State Bar No. 1114507

Wisconsin Education Law & Policy Hub

845 N. 11th St.

Milwaukee, WI 53233

Phone: (414)232-6504

Email: elisabeth@wisconsinELPH.org